

HCS SCS SB 671 -- ELECTIONS

SPONSOR: Parson (Dugger)

COMMITTEE ACTION: Voted "do pass" by the Committee on Elections by a vote of 9 to 0.

This substitute changes the laws regarding county office qualifications and initiative and referendum petitions. In its main provisions, the substitute:

- (1) Requires a county collector or collector-treasurer to reside in the county from which he or she was elected throughout his or her term of office;
- (2) Requires a candidate for county collector or collector-treasurer to be at least 21 years of age, a resident of the county for at least one year prior to the date of filing, and a registered voter and to have paid all state income taxes and personal and real property taxes;
- (3) Allows an exception for a county having a township form of government with an office of collector-treasurer from the requirement that the county commission appoint a deputy treasurer or a qualified person to serve as an interim treasurer in the event of a vacancy. Currently, only a county with a charter form of government is allowed this exemption;
- (4) Requires all county collector-treasurers to give bonds as other county collectors under the general revenue law. Currently, only a county collector-treasurer in a county having township organization has this requirement. The substitute specifies that the county collector-treasurer must have the sole authority to appoint deputies as other county collectors under Section 52.300, RSMo;
- (5) Specifies that in the event of a vacancy in the office of collector-treasurer, the county clerk must follow the procedures that apply when there is a vacancy in the office of collector in other counties;
- (6) Requires any person who files as a candidate for election to a public office to sign an affidavit indicating that he or she is not aware of any information which would prohibit him or her from fulfilling any bonding requirements for the office for which he or she is filing;
- (7) Prohibits a person who has been convicted of, found guilty of, or pled guilty to an offense involving forgery under the laws of Missouri or an offense in any other jurisdiction that would be

considered forgery if committed in Missouri from qualifying as a petition circulator;

(8) Requires a person collecting signatures for an initiative or referendum petition to indicate whether or not he or she is being compensated by predominantly displaying a sign or button stating that information. Any violation of this provision will be an infraction subject to a penalty of not less than \$100 but not more than \$500;

(9) Specifies that any person who knowingly signs any name other than his or her own to any petition will, upon conviction, be guilty of a class one election offense which is a felony. Currently, any person who signs any name other than his or her own to any petition is guilty of a class A misdemeanor;

(10) Allows any person who submits a petition to the Secretary of State to withdraw the petition upon written notice;

(11) Requires the Joint Committee on Legislative Research to hold a public hearing in Jefferson City to take public comment on a ballot measure within 30 days of the Secretary of State's certification to place the measure on the ballot;

(12) Requires the Secretary of State to post the full text of proposed ballot measures on its website within two days of its receipt and the name of the submitting person or organization submitting the sample sheet. A violation of this provision will be a violation of the Open Records and Meetings Law, commonly known as the Sunshine Law;

(13) Reduces the time that the Secretary of State has to approve or disapprove the form of a ballot measure from 30 days to 15 days after its submission; and

(14) Requires a person submitting a sample sheet to also submit at least 1,000 but no more than 2,000 signatures to the Secretary of State to place a proposal on the ballot. If the Secretary of State verifies that at least 1,000 signatures are valid by sending them to the election authorities to be verified, then the proposal will be approved. The Secretary of State verifies signatures by sending them within five days to the election authorities who have 15 days to reply. The Secretary of State then has 23 days to prepare a summary statement. Signatures obtained prior to the date the official title is certified by the Secretary of State cannot be counted.

The provisions of the substitute contain a severability clause and if any provision is found to be unconstitutional by a court of competent jurisdiction, the remaining provisions will be valid

with a specified exception.

The provision of the substitute requiring the Joint Committee on Legislative Research to conduct a public hearing contains an emergency clause.

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.

PROPONENTS: Supporters say that the bill enacts needed reforms to county collector and treasurer qualification statutes and ensures that candidates will be able to serve in the office if elected.

Testifying for the bill were Senator Parson; and Missouri County Collectors Association.

OPPONENTS: There was no opposition voiced to the committee.